

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

| | | |
|--------------------------------------|---|-------------------------------|
| MARJORIE BULLARD | § | |
| Plaintiff, | § | |
| | § | |
| vs. | § | No.: 5:17-CV-00530-DAE |
| | § | |
| TT GROUP INDUSTRIES, INC. and | § | |
| MICAH CARLTON, TRUSTEE OF TT | § | |
| ELECTRONICS 401(K) RETIREMENT | § | |
| PLAN | § | |
| Defendants | § | |

DECLARATION OF CYRUS F. REA II

STATE OF TEXAS §
 §
COUNTY OF COMAL §

Pursuant to 28 U.S. Code § 1746, I, Cyrus F. Rea II, make this declaration, and state as follows:

1. “My name is Cyrus F. Rea II. I am capable of making this Declaration. I am over the age of twenty-one. I have never been convicted of a felony. I am in possession of my faculties and I am competent to make this Declaration. The facts stated in this Declaration are within my personal knowledge and are true and correct.

2. “For approximately 23 years, I have practiced law in the State of Texas. During that time, I have represented a multitude of corporate and individual clients, in matters ranging from complex anti-trust litigation to family law issues. I have successfully represented plaintiffs and defendants in Federal Court, primarily in the Western District of Texas. I have remained involved in professional bar organizations throughout the years, serving at various times as an officer. I have tried numerous cases before juries in numerous Texas counties as well as the Southern District of Texas. My practice has always been centered around litigation, and I have been fortunate to build a reputation that results in other attorneys referring me cases that are too difficult or complex for them to handle. I have attached a resume hereto as Ex. 1.

3. “I represent Marjorie Bullard in the above-styled matter. The facts presented were very different than the typical ERISA case, requiring much research and creativity in

prosecuting Bullard's action. While Ms. Bullard initially paid a small amount towards legal fees and expenses, this case was undertaken by the undersigned on a contingency basis, with the real risk of the undersigned not being compensated for his work. The opposing parties are represented by a civil defense firm, with much in-house expertise in ERISA matters. Such a formidable opponent required a great degree of diligence and preparation. The issues presented were novel and the questions involved difficult, requiring skill and creativity.

4. "A customary and reasonable fee for a case such as this easily equals or exceeds \$300/hour. A chronological itemization of the time expended on this matter is attached here as Ex. 2. The itemization is based on contemporaneous records of time expended during the representation of Bullard. The time spent on the described tasks was necessary in order to prosecute this case in a manner consistent with the standards set forth in the applicable rules of professional conduct. The time was spent wisely with an eye towards efficiency as well as thoroughness.

5. "The facts set forth in the Motion for Attorneys fees are true and correct.

"Further, Declarant sayeth not."

I declare under penalty of perjury that the foregoing is true and correct.
Executed on March 19, 2019.



Cyrus F. Rea II

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San Antonio, Texas 78205
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PRACTICE:

THE LAW FIRM OF CYRUS F. REA II, P.C.

July 2011 to present

Founding shareholder with a Firm focus on representing San Antonio businesses in their commercial disputes and employment litigation, whistleblowers, and those with claims against the government.

HARGROVE & REA, P.C.

May 2003 to July 2011

Founding shareholder with a Firm focus on representing San Antonio businesses in their commercial disputes and employment litigation, whistleblowers, and those with claims against the government.

STRASBURGER & PRICE, LLP

March 2001 to May 2003

Represented Fortune 500 clients in a wide range of cases in the field of commercial litigation, including contract disputes, insurance coverage issues, and bankruptcy matters.

JENKENS & GILCHRIST, P.C.

May 1999 to March 2001

Represented clients in all stages of civil litigation, including research, depositions, briefing, motions discovery, client consultation, settlement negotiations, meditations, and trial.

BAKERBOTT, LLC

November 1996 to May 1999

Represented clients in numerous litigation and financial matters relating to, among other things, hostile takeovers, securities litigation, anti-trust litigation, toxic torts, personal injury defense, products liability defense and admiralty matters.

EDUCATION:

STANFORD LAW SCHOOL

J.D. 1996

UNIVERSITY OF MISSOURI

B.A., History, *Summa Cum Laude*

Honors Program

Dean's List – All Semesters

PURDUE UNIVERSITY

Electrical Engineering Program, 1989-1990

BAR ADMISSIONS:

Texas State Bar - 1997

U.S. Court of Appeals, Fifth Circuit

U.S. District Court for the Western District of Texas

U.S. District Court for the Eastern District of Texas

U.S. District Court for the Southern District of Texas

ORGANIZATIONS:

Texas Bar Association, Member

San Antonio Bar Association, Member

San Antonio Young Lawyers Association, Vice President (2001-2002), Secretary (2002-2003)

Texas Continuing Legal Education Distinguished Faculty

Bullard: 5:17-cv-00530

Redacted Atty Fees

| DATE | Description | Hrs. | |
|----------|--|------|--|
| 04/04/17 | rev. corr. opp. counsel and client's prev. atty; research; client comm.; initial intake; investigation of TT Group and potential parties | 3.4 | 09/11/17 revisions to Response; filing 2.8 |
| 04/04/17 | attn. to doc rev.; rev. docs from prev. atty; addt'l client docs; TT Group plan rev.; Comal Cty Sheriff Dept comm; rev. of law enforcement reports | 2.9 | 09/29/17 corr. opp. counsel re: offer of settlement 3.2 |
| 04/05/17 | client comm; research; research into exhaustion of admin remedies. | 2.0 | 10/05/17 drafting disc. 3.2 |
| 04/10/17 | drafted initial letter requesting admin. remedies; client comm; invest. into approp. contact person for TT Group | 1.2 | 10/06/17 corr. opp. counsel re: settlement; client comm. 0.5 |
| 05/09/17 | drafting pleadings | 2.3 | 10/10/17 finalized and sent disc; corr. o.c. 2.8 |
| 05/10/17 | investig re: registered agent; comm clerk | 1.0 | 11/07/17 comm. o.c. re: extension on disc.; comm. client re: proposed extension 0.4 |
| 05/11/17 | comm. TT Group | 1.0 | 11/16/17 review disc. responses and admin. record 4.3 |
| 05/11/17 | comm. J.L. Jones | 0.9 | 12/08/17 corr. re: depo scheduling 0.2 |
| 05/12/17 | comm clerk re: citation | 0.4 | 12/08/17 drafting RFA 2.1 |
| 05/18/17 | comm. process server | 0.6 | 12/11/17 finalized and served disc; corr. o.c. 1.9 |
| 06/12/17 | rev. answer of Carlton | 0.8 | 12/19/17 served depo notices; drafting notices; corr. opp. counsel re: addt'l disc. material needed; rev. of prior correspondence re: disc issue; formulation of subpoena duces tecum requests; review of procedural rules re: corp. rep depo notices. 2.0 |
| 06/14/17 | review notice of removal; research | 1.0 | 12/20/17 reviewed Mtn for Prot. Order; research and draft response 2.7 |
| 07/05/17 | comm. opp. counsel re order; research | 1.1 | 12/20/17 corr. opp. counsel re: admin record supp. 0.6 |
| 07/05/17 | corr. opp. counsel re: service for TT Group | 0.5 | 12/20/17 rev. emergency motion; outline response 2.3 |
| 07/20/17 | client comm re: status of case, measure of damages, ERISA and removal procedures; investigation re: addt'l docs obtained by client | 1.0 | 12/22/17 research and draft response Mtn. for Prot. Order 3.1 |
| 08/01/17 | attn. to sched. order proposals | 0.3 | 12/26/17 revisions and filing of Response to Motion for Prot. Order 1.7 |
| 08/13/17 | comm. o.c. re: scheduling order | 0.7 | 12/26/17 final revisions and filing of motion 1.2 |
| 09/08/17 | research and drafting Response to Mtn for Judg | 4.4 | 12/28/17 rev. incoming pleadings 1.2 |
| 09/10/17 | research and drafting Response to Mtn for Judg | 3.6 | 01/03/18 prepare of hearing; assemble case law and research 2.2 |
| | | | 01/04/18 hearing on Mtn. Prot Order 1.0 |
| | | | 01/04/18 rev. order. 0.3 |
| | | | 01/07/18 drafting complaint; research ERISA COA and case law 6.4 |
| | | | 01/07/18 Drafting Mtn to Compel; corr. o.c. 2.1 |

Ex. 2

| | | | | | | | | | |
|---------------|--|-----|--|--|--|---------------|------------------------------------|--|------------|
| 01/08/18 | finalized Mtn to Compel; filing | 2.4 | | | | | | | |
| 01/10/18 | finalized and filed Amended Complaint | 2.3 | | | | | | | |
| 01/18/18 | drafted and served amended depo notices | 0.5 | | | | | | | |
| 01/25/18 | rev. addtl docs produced; corr. opp. counsel | 3.1 | | | | 04/11/17 | certified mail | | \$6.53 |
| 01/26/18 | depo prep; client comm | 1.9 | | | | 04/11/17 | certified mail | | \$6.53 |
| 01/29/18 | depo prep; document prep | 2.3 | | | | 05/10/17 | filing fee | | \$324.88 |
| 01/30/18 | deposition of Bullard and Carlton | 5.3 | | | | 05/31/17 | out of plan Westlaw | | \$42.88 |
| 02/02/18 | corr opp. counsel re: disc. responses | 1.9 | | | | 06/02/17 | process server | | \$125.00 |
| 02/06/18 | corr. opp. counsel re: disc. | 2.0 | | | | 12/31/17 | out of plan Westlaw | | \$23.45 |
| 02/09/18 | Hearing on Mtn. to Compel | 1.0 | | | | 02/28/18 | Kim Tindall, Depo of Micah Carlton | | \$1,134.50 |
| 02/23/18 | rev. incoming docs | 2.3 | | | | 03/31/18 | out of plan Westlaw | | \$326.20 |
| 03/01/18 | research and drafting MSJ | 2.1 | | | | 04/30/18 | out of plan Westlaw | | \$207.87 |
| 03/05/18 | research and drafting MSJ | 4.5 | | | | | | | |
| 03/09/18 | client comm; rev of deposition transcript with client and discussion of errata changes | 2.6 | | | | | | | |
| 03/10/18 | research and drafting MSJ; comm client | 7.6 | | | | | | | |
| 03/18/18 | research and drafting MSJ | 4.3 | | | | | | | |
| 03/19/18 | finalized MSJ filing | 2.3 | | | | | | | |
| 03/30/18 | Reviewed Def. MSJ; research | 3.2 | | | | | | | |
| 04/02/18 | Reviewed Def. Response to MSJ | 2.7 | | | | | | | |
| 04/03/18 | research and draft Response to Def. MSJ | 3.4 | | | | | | | |
| 04/10/18 | research and draft Response to Def. MSJ | 4.8 | | | | | | | |
| 04/11/18 | research and draft Response to Def. MSJ | 3.7 | | | | | | | |
| 04/12/18 | finalized Response to DEF MSJ; filing | 2.1 | | | | | | | |
| 03/02/19 | hearing prep; copies; case research | 2.4 | | | | | | | |
| 03/03/19 | hearing prep | 4.5 | | | | | | | |
| 03/04/19 | hearing on MSJ and prep | 3.5 | | | | | | | |
| 03/10/19 | drafting Mtn. Atty fees | 2.1 | | | | | | | |
| TOTAL: | 158.10\$300/hr = \$47,430.00 | | | | | TOTAL: | \$2,197.84 | | |